

### **REMARKS**

The Office Action dated June 6, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claim 51 has been amended to more particularly point out and distinctly claim the subject matter of the present invention. No new matter has been added. Accordingly, claims 1, 6-7, 9-14, 17-19, 38, 40, and 47-64 are currently pending in the application, of which claims 1, 38, 40, and 53 are independent claims.

In view of the above amendments to the claims, and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections to the drawings and pending rejections to the claims for the reasons discussed below.

#### ***Claim Rejections under 35 U.S.C. §102(e)***

The Office Action rejected claims 1, 6-7, 9-13, 17-19, 38, 40, 47-56, 59-61, and 63-64 under 35 U.S.C. §102(e) as allegedly anticipated by Lundby, *et al.* (U.S. Patent No. 6,975,880) ("Lundby"). The Office alleged that Lundby discloses or suggests every feature recited in claims 1, 6-7, 9-13, 17-19, 38, 40, 47-56, 59-61, and 63-64. Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that the Office Action failed to substantiate a *prima facie* case of anticipation because Lundby is not a proper reference to reject the aforementioned claims under 35 U.S.C. §102(e).

Lundby is not a proper reference to reject the pending claims under 35 U.S.C. §102(e) because it does not antedate the priority date of the present application. Lundby's effective filing date is at least as early as December 16, 2003. We note that Lundby is a divisional of U.S. Patent Application Serial No. 09/824,860, filed on April 2, 2001. Therefore, the earliest possible effective date for Lundby would be **April 2, 2001**.

Whereas, the present application is a continuation of PCT/IB00/00572, filed on April 14, 2000, to which the PCT application claims priority to GB 9908518.5, filed on April 14, 1999. A claim of priority in the above-referenced application was filed on October 12, 2001, and has been properly perfected. Therefore, the effective date of the present application is **April 14, 1999**. Therefore, Lundby is not a proper reference to reject the pending claims under 35 U.S.C. §102(e) because it does not antedate the priority date of the present application.

Accordingly, Applicants respectfully submit that the Office Action failed to substantiate a *prima facie* case of anticipation to reject claims 1, 6-7, 9-13, 17-19, 38, 40, 47-56, 59-61, and 63-64 under 35 U.S.C. §102(e).

Furthermore, Applicants note that the Office Action failed to demonstrate that Lundby discloses every feature recited in dependent claims 57-58. In particular, the Office Action listed claims 57-58 as rejected under 35 U.S.C. §102(e), but presented no

arguments demonstrating that the features recited in claims 57-58 were taught in the teachings of Lundby (See Office Action on pages 2-8). Therefore, the Office Action is incomplete.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1, 6-7, 9-13, 17-19, 38, 40, 47-56, 59-61, and 63-64 under 35 U.S.C. §102(e) and respectfully submit that claims 1, 38, 40, and 53, and the claims that depend therefrom, are in condition for allowance.

***Claim Rejections under 35 U.S.C. §103(a)***

The Office Action rejected claims 14 and 62 under 35 U.S.C. §103(a) as being allegedly unpatentable over Lundby. Applicants respectfully traverse these rejections for at least the following reasons.

As previously noted, Lundby is not a proper reference to reject the pending claims under 35 U.S.C. §102(e) because it does not antedate the priority date of the present application. Accordingly, Applicants respectfully submit that the Office Action failed to substantiate a *prima facie* case of obviousness to reject claims 14 and 62 under 35 U.S.C. §103(a).

Therefore, Applicants respectfully request withdrawal of the rejections of claims 14 and 62 under 35 U.S.C. §103(a) and respectfully submit that claims 1 and 53, and the claims that depend therefrom, are in condition for allowance.

### **CONCLUSION**

In conclusion, Applicants respectfully submit that Lundby is not a proper reference to reject the pending claims under 35 U.S.C. §102(e) or §103(a) because Lundby does not antedate the priority date of the present application. The distinctions previously noted are more than sufficient to render the claimed invention unanticipated and non-obvious. It is therefore respectfully requested that all of claims 1, 6-7, 9-14, 17-19, 38, 40, and 47-64 be allowed, and this present application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Brad Y. Chin  
Attorney for Applicants  
Registration No. 52,738

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
8000 Towers Crescent Drive, 14<sup>TH</sup> Floor  
Vienna, Virginia 22182-6212  
Telephone: 703-720-7800  
Fax: 703-720-7802

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